

Order

Michigan Supreme Court
Lansing, Michigan

May 12, 2006

Clifford W. Taylor,
Chief Justice

128689 & (70)(72)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

CARSON FISCHER, PLC,
Plaintiff-Appellee,

v

SC: 128689
COA: 248167
Oakland CC: 2001-029814-CZ

MICHIGAN NATIONAL BANK and
MICHIGAN NATIONAL CORPORATION,
Defendants-Appellants.

On order of the Court, plaintiff's motion to file supplemental brief and defendant's motion to include Argument II in its post-argument brief are considered, and they are GRANTED. Leave to appeal having been granted, 474 Mich 986 (2005), and the briefs and oral argument of the parties having been considered by the Court, we REVERSE in part the February 8, 2005 judgment of the Court of Appeals and REINSTATE the November 27, 2002 order of the Oakland Circuit Court granting defendant Michigan National Bank's motion for partial summary disposition. Pursuant to MCL 440.4406(6), as modified by the parties' account agreement, Michigan National Bank's liability is limited to those checks listed in plaintiff Carson Fischer, PLC's post-notification bank statements after September 1, 2000. We REMAND this case to the circuit court for further proceedings not inconsistent with this order.

We do not retain jurisdiction.



s0509

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 12, 2006

Corbin R. Davis

Clerk